GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 422 OF 2002

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Mr. S.B. Deshmukh i/by A.V. Anturkar for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 15, 2005

P.C.

. Rule. Heard forthwith.

. Though respondent No. 3 was served, no appearance is put on his behalf. The learned A.G.P. waives notice on behalf of Respondent Nos. 1 and 2.

. The Petitioner gives up his claim in so far as his claim that he belongs to Mahadeo Koli Schedule Tribe. He restricts his claim to protection of his services in terms of the G.R. dated 15.6.1995. The G.R. dated 15.6.1995 Clause 4 reads as

under :

> "The reservatin granted to the abovequoted "Special Bakcward Class" is applicable to the Direct Recruitments and also promotions. Similarly the principle of Creamy layer shall not apply to this class. The persons belonging to this class alrady recruitted onteh basis of S.T. Certificate in Governmernt, Semi Govetrnment services and obtained promotions should not be reverted or terminated."

. It is therefore, clear that if on the date of issuacne of G.R. namely 15.6.1995, if the petitioern was in service and if it is ultimately held that he is belonging to Koli caste which is a special bakcward class, his servidces can be protected. Consdiering the above, the following order :

(1) If the Pettioenr was in employment as on or before 15.6.1995, the petitoner to apply to the competent authority for

issuance of the caste certificate. The application will be made within two weeks from today. The competent authority, if the petitioner is eligible, to issue the caste certificate, within six weeks thereafter.

(2) The Petitioner to forward the caste certificate within two weeks thereafter to Respondent No. 3. The Respondnet No. 3 on receipt of the caste certificate within two weeks threafter to forward the same to the concerned Caste Verification Committee.

(3) On receipt of the same, the Caste Verification Committee to dispose of the caste claim of the Petitioenr within six months from the receipt of the caste certificate.

(4) If ultimately caste claim of the petitoer is upheld as belonging to the Koli Scheduled Tribe, his services not to be termianted if he is covered by the G.R. If his claim is rejected, his services be terminated.

(5) Petitioenr to file a fresh affdiavit containing an undertaking that neither he

nor his progeny will claim status of S.T. as belonging to Mahadeo Koli Schedule Tribe. This undertaking to be filed within two weeks from today.

(6) This procedure only to be followed in the event the petitioner was in employment as on 15.6.1995.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)